

**REMARKS**

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the instant amendments and following remarks.

**Status of the Claims**

Claims 1 - 10 are pending in the application. Claim 1 has been amended. Support for the amendment to claim 1 can be found throughout the specification, e.g., at page 17, lines 16-20. No new matter has been introduced by the instant amendments.

Applicants note that the amendments to the claims herein are indicated with reference to the version of the claims pending prior to presentation of the "Amendment in Response to Final Office Action" filed on July 24, 2006, because the Advisory Action indicated that the amendments to the claims submitted with that Response would not be entered.

Claims 8 and 9 stand withdrawn from consideration as being directed to a non-elected invention.

**Interview Summary**

The Examiner's courtesy in permitting a telephonic interview (the "Interview") with Applicants' undersigned representative on September 22, 2006, is gratefully acknowledged. During the Interview, the rejections of record were discussed. No final agreement was reached.

**Rejection under 35 U.S.C. §112, first paragraph**

In the Office Action, claims 1, 4 and 5 were again rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner stated that "Applicant has not shown how "flatness" is distinguished from surface waviness." Office Action at page 3, Section 6. The rejection is traversed.

Applicants contend that the present specification describes the measurement of "flatness" and that one of ordinary skill in the art would understand the meaning of the term "flatness" and how to measure this property. As provided by the specification at page 27, a low-pressure probe or non-contact laser probe is used in a three-dimensional structure measuring apparatus to measure the three-dimensional distortion of the structure by measuring the vertical position of the flat portion (1A) within 2 mm of the periphery of the flat portion at eight locations on the surface (corresponding to the corners of the flat portion and four intermediate positions about the periphery of the flat portion). The flatness is then calculated by least square regression from the variances in height measurements for the eight data points.

In Applicants' Response filed July 24, 2006, a photograph of a molded product was provided. From the photograph, it could be seen the container body of the molded product was warped – i.e., had poor "flatness." A container body having good "flatness" would have little or no warping of the sort shown in the photograph.

To measure "flatness" in that case, a specimen of a molded container is placed on a corrected surface plate. The difference in distance from the standard surface in a region not less than 2 mm from an outer periphery of the flat portion of the container is measured at four or more points. The warp (flatness) is then calculated by the least squares method.

In further support of Applicants' contention that the term "flatness" is known to the art and would be readily understood by the skilled artisan, Applicants point out that the term "flatness" is used in the specification (including the claims) of issued U.S. patents. See, e.g., U.S. Patent Nos. 5,503,963 (e.g., claim 4 thereof) and 6,166,885 (e.g., claim 6 thereof). While the method for determining "flatness" may vary according to the nature of the article being measured, it is clear the term "flatness" is well known in the art.

Applicants submit that one of ordinary skill in the art would readily understand the term "flatness" and would understand how this property is measured. Applicants

therefore contend that the claims fully comply with the requirements of 35 U.S.C. §112, first paragraph.

Applicants further submit that the present specification describes the measurement of "surface waviness" and "sink mark" depth and that one of ordinary skill in the art would understand the meanings of the terms and how to measure these properties.

As discussed in previous Responses (which are incorporated herein by reference), the measurement of "surface waviness" is clearly described on page 28, lines 3-8 of the specification as filed. As described thereon, the surface waviness is obtained by measuring the difference between a maximum height and a minimum height which are parallel with an ideal plane of the surface to be measured, over a maximum measuring length of 30 mm.

In further support of Applicants' contention that the term "surface waviness" is known to the art and would be readily understood by the skilled artisan, Applicants point out that this term is used in the specification (including the claims) of issued U.S. patents and published U.S. patent applications. See, e.g., U.S. Patent No. 6,815,070 (e.g., claims 1 ("... at least one side of said composite film has a waviness of less than 100 nm . . ."), 4, and 33-37 ("... the waviness of the surface is . . .")) and U.S. Patent Application Publication 2002-0018921 (e.g., claims 7 and 42, and also paragraph [0017]: "The waveness [sic] Wa of the corrosion-resistant film is preferably not less than 1 mm . . ."). While the method for determining "surface waviness" may vary according to the nature of the article being measured, it is clear the term "waviness" is well known in the art.

Similarly, the measurement of sink mark depth is clearly described, e.g., at page 28, lines 14-21 of the specification as filed. First, a waviness curve is generated and then, from the waviness curve, a distance between a tangent line of a higher inflection point and a tangent line of a lower inflection point is determined.

Still further, on page 28, lines 22-23 of the specification as filed, it is stated that the "surface waviness" and "sink mark depth" are measured according to the methods of JIS B 0601-2001, a copy of which was provided with the response to a previous Office Action. In sections 3.1.4 and 3.1.5 of JIS B 0601-2001, the surface profile and primary profile of a surface are explained. Moreover, in Figure 2 of JIS B 0601-2001, there is an explanation of a profile including a higher point and a lower point as profile elements.

In further support of Applicants' contention that the term "sink mark depth" is known to the art and would be readily understood by the skilled artisan, Applicants point out that the term "sink mark" is used in the specification (including the claims) of issued U.S. patents. See, e.g., U.S. Patent Nos. 6,149,853 (e.g., claims 1 ("... said substrate produces sink marks. . .") and 4) and 5,716,540 (e.g., claim 23 thereof (" . . . centrally located sink mark site. . . ")). While the method for determining "sink mark depth" may vary according to the nature and dimensions of the article being measured, it is clear the term "sink mark" is well known in the art.

In view of the foregoing, Applications submit that the terms "surface waviness" and "sink mark depth" are well known and understood in the art. Moreover, the description of "surface waviness" and "flatness" (and, for that matter, "sink mark depth"), as well as the methods for measuring these properties (which clearly differ from each other), provide ample written description for the pending claims, as one of skill in the art would readily appreciate the distinctions between these properties.

Thus, the present specification provides a clear, full, concise and exact description as required by 35 U.S.C. §112. Claims 1 (as amended), 4, and 5, are fully compliant with the requirements of 35 U.S.C. §112, including the written description requirements of §112, first paragraph. Reconsideration and withdrawal of the rejection is proper and such action is requested.

Rejection under 35 U.S.C. §103(a), first paragraph

Claims 1-7 and 10 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bird in view of Satake and in further view of Sylvester. The rejection is traversed.

Claim 1, as amended, is directed to an *injection molded* resin container comprising a container body and a lid for closing the container body. As further provided by amended claim 1, the container body and recessed flat portion are formed said container body being produced by *injecting molten amorphous thermoplastic resin into a cavity of a mold assembly*.

No combination of the art of record teaches or suggests forming an *injection molded* resin container. More particularly, no combination of the cited art teaches or suggests an *injection molded* resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the container body and recessed flat recessed flat portion are formed by injection-molding. Even further, no combination of the cited art teaches or suggests forming such an injection molded container by *injecting molten amorphous thermoplastic resin into a cavity of a mold assembly*.

As the reference is understood, Bird recites at column 12, lines 44-58 the formation of carrier tapes prepared by shaping pockets into a sheet of polymeric material. Thus, in one method of making carrier tapes, a flexible thermoplastic polymer is first formed into a sheet and then secondly thermoformed to introduce pockets into the sheet. Bird teaches that the sheet can be obtained by providing a preformed role or sheet, by direct extrusion, or by continuous injection molding. After providing the flexible thermoplastic polymer sheet, the *sheet* is then thermoformed in a mold or die to introduce the pockets.

As noted by the Office Action, according to Bird, the pockets are thermoformed in a pre-formed sheet or film, which may be formed by injection molding. Thus, Bird neither teaches nor suggests injection-molding a resin to form a container body nor forming a recessed flat portion of the container body by injection-molding. Bird does not

teach or suggest forming an injection molded container by *injecting molten amorphous thermoplastic resin into a cavity of a mold assembly.*

Injection molding is a method of making articles which is completely different from thermoforming such that one of ordinary skill in the art can readily distinguish between articles prepared by injection molding and those prepared by thermoforming.

Thus, Bird does not teach *injection molded* resin containers having a container body composed of an injection molded amorphous thermoplastic resin or a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding, as recited by pending claim 1 (and the remaining claims which depend therefrom). Bird does not teach or suggest forming an injection molded container by injecting molten amorphous thermoplastic resin into a cavity of a mold assembly, as also recited in amended claim 1.

Neither Sylvester nor Satake overcome the limitations of the Bird reference so as to "bridge the gap" between the teachings of Bird and the claimed invention. More particularly, neither Sylvester nor Satake teach or suggest an injection molded resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding.

Although the Examiner stated that "Applicant does not claim that the container is  injection molded," Office Action at page 4, Section 5, Applicants respectfully point out that claim 1, as amended, is directed to an *injection molded* resin container comprising a container body and a lid for closing the container body, and also that the container is formed by injecting molten amorphous thermoplastic resin into a cavity of a mold assembly.

Applicants respectfully submit that the claimed invention is not taught or suggested by any of the cited references, whether taken alone or in combination.

For at least the reasons discussed *supra*, one of ordinary skill in the art would not have been motivated to prepare the resin containers provided by the instantly claimed invention. Thus, withdrawal of the §103(a) rejection and reconsideration of the claims is requested.

Early and favorable consideration of the application and claims as amended is earnestly solicited.

Applicants request any extension of time required for response. Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Dated: October 20, 2006  
Customer No. 21874

Respectfully submitted,

By \_\_\_\_\_

  
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